THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13524 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the respondent-Divisional Forest Officer, Mahabubnagar, in preventing the petitioner from carrying on mining operations in Sy.No.22 of Cheepunuthala village, Talakondapalli Mandal, consisting of 32 acres, as arbitrary and illegal.

It is stated that the petitioner-Company was granted a mining lease under the provisions of the Mines and Minerals (Regulation & Development) Act, 1957, for Quartaz and Feldspar in Sy.No.22 of Cheepunuthala village vide proceedings of the Assistant Director of Mines & Geology dated 23.2.1996 for a period of 20 years, from 23.2.1996 to 22.2.2016. It is claimed that though the petitioner has been carrying on the mining operations strictly in accordance with the terms and conditions of mining lease, on 14.6.2006, the respondent had seized the lorries of the petitioner alleging that the petitioner is carrying on mining operations in the Reserved Forest Land. The said allegation is denied by the petitioner stating that it has been carrying on mining operations basing on the map prepared by the Geological Survey of India following the procedure of Geological Position System conducted in the year 1993, according to which, Sy.No.22 does not fall within the Reserved Forest Land.

This Court while issuing *Rule nisi*, by order dated 4.7.2006 in W.P.M.P.No.16801 of 2006 directed the respondent and his subordinates not to interfere with the peaceful possession and enjoyment of the land of 32 acres situated in Sy.No.22 of Cheepunuthala village, Talakondapalli mandal, wherein the petitioner is carrying on mining operations.

In the counter affidavit filed by the respondent, the averments in the writ petition have been denied and it is stated that the Forest Range Officer, Amangal vide letter dated 22.6.2005 reported that

the mining area falls in the Reserved Forest Block, Padkal. Accordingly, a notice was issued on 17.6.2005 to one T. Ashok Kumar, who is the lessee under Section 20 of the A.P. Forest Act, 1967, calling upon him to stop the activities, since the land falls in Compartment No.415 of Reserved Forest Block, Padkal. Thereafter, on 14.6.2006, the Divisional Forest Officer, Mahabubnagar, noticed huge mining dump on the nearby hillock and it was found that the writ petitioner has been carrying out mining of Quartaz and Feldspar in Reserved Forest in Compartment No.414 of Cheepununthala Reserved Forest. It was found that originally mining lease was granted to T. Ashok Kumar during the year 2005 and the same was transferred in favour of the writ petitioner. The Authorised Signatory of the petitioner-Company has also paid a sum of Rs.2,76,276/- towards compounding fee for committing a forest offence and it was admitted that the boundaries of Sy.No.22 of Cheepununthala village were not marked clearly on the ground. Thus, it is asserted that the subordinates of the respondent are not interfering with the peaceful possession and enjoyment of the land of 32 acres situated in Sy.No.22, but, they have only prevented the illegal mining activity in the Reserved Forest area in Compartment No.414 of Padkal.

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondent.

Having regard to the stand taken by the respondent in the counter affidavit, it is clear that there is a dispute with regard to the boundaries of Sy.No.22 of Cheepununthala village.

Though, there is no dispute about the fact that the petitioner was granted mining lease in respect of 32 acres of land in Sy.No.22 of Cheepunuthala village, admittedly, a part of Sy.No.22 is notified as Reserved Forest.

Having regard to the nature of the controversy, I am of the opinion that it is necessary to conduct a joint survey in the presence of the officials of the Departments of Revenue, Forest and Mines and

Geology, so as to demarcate the boundaries of Ac.32.00 leased out to the petitioner. Accordingly, without expressing any opinion as to the rival claim made by the parties, the writ petition is disposed of with a direction to the respondent to conduct a joint survey in the presence of officials of the Forest Department, Revenue Department as well as the Mines and Geology with prior notice to the petitioner and demarcate the boundaries of 32 acres of land situated in Sy.No.22 in respect of which petitioner was granted mining lease. Such exercise shall be completed as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is made clear that till such time the petitioner shall not carry on mining operations in the area, which is in dispute. No costs.

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(G. ROHINI, J.)

21st December, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.13524 OF 2006

21st December, 2006.

Between:

M/s Timex Industries Limited, Road No.45,
Plot No.1057/F1, Jubilee Hills,
Hyderabad, represented by its
Manager (Operations) P. Ganganath Babu. .. Petitioner.

And

The Divisional Forest Officer, Mahabubnagar,
Mahabubnagar District. .. Respondent.